

C. REMARKS

Applicants respectfully request reconsideration of the outstanding rejections and reexamination of the present application in light of the following amendments and remarks.

Status of the Claims

Claims 1-25 are pending in the application. Claims 1, 5, 14, and 19-25 are currently amended.

35 USC 101

The Examiner bears the initial burden of presenting a prima facie case of unpatentability. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). Applicants traverse the rejections under 35 USC 101 as follows.

First, the Office Action rejects claims 1-25 under 35 USC 101 for failing to have concrete and tangible results. [Office Action, p. 2] In particular, the Office Action states that “according to the disclosure of the invention, the process of human visual system having **“gestalt effect”** (par. [0016] and [0042]) detects password characters that are **“displayed at a visibly detectable frequency”**. This is directed to an abstract idea; thus rendering the claimed invention not having concrete and tangible result.” [Office Action, p. 2]

The Office Action states that claims 1-25 are directed to an abstract idea. [Office Action, p. 2] Applicants consider the requirements in case law and the MPEP regarding claims directed to an abstract idea. In particular, Applicants note that for claims including an abstract idea to be eligible for patent protection, the claim must be for a practical application of the abstract idea. *Diehr*, 450 U.S. 175, 187 (1981); MPEP 2106 (Rev. 6, Sept 2007). A claimed invention is directed to a practical application when it otherwise produces a useful, concrete, and tangible result. MPEP 2106 (Rev. 6, Sept 2007). The MPEP further clarifies that a claim must be examined to see if it includes anything more than a 35 USC 101 judicial exception of an abstract idea. The question

as to whether a claimed invention produces a tangible result is whether the claim sets forth a practical application of an abstract idea to produce a real-world result.

Gottschalk v. Benson, 409 U.S. 63, 71-72 (1972); MPEP 2106 (Rev. 6, Sept 2007). The question as to whether a claimed invention produces a concrete result is whether the process has a result that can be substantially repeatable or the process must substantially produce the same result again; resolving this question is dependent on the level of skill in the art. *In re Swartz*, 232 F.3d 862, 864 (Fed. Cir. 2000). Thus, to establish a prima facie case of unpatentability for a claim directed to an abstract idea, Applicants submit that the Examiner is required to identify and explain in the record the reasons why a claim is for an abstract idea with no practical application, only then does the burden shift to the Applicant to either amend the claim or make a showing of why the claim is eligible for patent prosecution. *In re Brana*, 51 F.3d 1560, 1566, 34 USPQ 2d 1436, 1441 (Fed. Cir. 1995); MPEP 2106 (3)(D) (Rev. 6, Sept 2007).

Applicants respectfully assert that the Office Action fails to establish a prima facie case of unpatentability as to claims 1-25 under 35 USC 101 for failing to have concrete and tangible results because the Office Action merely states that because the claim is directed to an abstract idea, this renders the claimed invention as not having a concrete and tangible result. The Office Action has only identified in the record the portions of the specification which the Examiner interprets as reading on the element of “displayed at a visibly detectable higher frequency” and the Examiner’s interpretation that by this element reading on the “gestalt effect”, the claim is directed to an abstract idea. Regardless of whether this element of the claims is directed to an abstract idea, the Office Action fails to give reasons why the claims are only directed to an abstract idea with no practical application. In particular, the record is devoid of any finding as to why the claimed invention, as a whole, as presented in claims 1-25 does not produce a tangible or concrete result. Without any finding or assertion in the record as to lack of a real-world result or lack of a predictable or repeatable result, the Office Action improperly concludes that because the claims are directed to an abstract idea, the claimed invention is rendered as not having a concrete or tangible result. Because the

Office Action fails to identify and explain in the record the reasons why claims 1-25 are for an abstract idea with no practical application, the Office Actions fails to establish a prima facie case of obviousness and the burden has not shifted to Applicants to amend the claim or make a showing of why the claims are eligible for patent prosecution.

In addition, the Office Action rejects claims 1, 10, and 19 under 35 USC 101 as directed to non-statutory subject matter. In particular, the Office Action states that “according to the disclosure of the invention, frequency rate is used to change the stream of characters to be displayed (e.g. Par [0018]). And the independent claims 1, 10, and 19 recite the limitations “higher frequency”, thus the claims do not constitute statutory subject matter.” [Office Action, p. 2] MPEP 2106 notes that for an Examiner to establish a prima facie case of obviousness, if the Examiner determines that it is more likely than not that the claimed subject matter falls outside all of the statutory categories of process, machine, manufacture, or composition of matter, they must provide an explanation. Applicants respectfully assert that the Office Action fails to establish a prima facie case of unpatentability as to claims 1, 10, and 19 under 35 USC 101 as directed to non-statutory subject matter because the Office Action fails to clearly establish, through the record, how the Examiner classifies the limitation “higher frequency” when read upon “frequency rate is used to change the stream of characters to be displayed” as not constituting statutory subject matter. In particular, there is no clear indication in the record as to how the Examiner classifies “higher frequency” based on a “frequency rate” which excludes the subject matter from one of the four enumerated statutory categories. Moreover, MPEP 2106 specifies that even if USPTO personnel can establish a prima facie case that a claim does not fall into a statutory category, the Examiner must still establish that the claimed invention does not fall within a 35 USC 101 judicial exception with a practical application. Because the Office Action also fails to establish why the use of “higher frequency” in the claim does not fall within the 35 USC 101 judicial exception, a prima facie case of unpatentability is not established as to claims 1, 10, and 19.

The Office Action also rejects claim 19 under 35 USC 101 because “the claimed invention recite the limitations “a computer program product, residing on a computer readable medium...” and “means for displaying...” These limitations recite process and apparatus claims respectively, which belong to different statutory category.” [Office Action, p. 2] Regardless of whether this rejection is proper or establishes prima facie unpatentability under 35 USC 101, Applicants amend claim 19, and dependent claims 20-25, to clearly recite a functional descriptive material, recorded on some computer readable medium, such that the functional descriptive material becomes structurally and functionally interrelated to the medium and is therefore statutory. *In re Warmerdam*, 33 F.3d 1354, 1360-61; MPEP 2106.01. Applicants note that the amendments are supported throughout the specification, and for example, in paragraph 0030 of the specification, therefore no new matter is added through the amendments to claims 19-25. In view of the amendments to clearly place claim 19 within the requirements of a statutory product-by-process claim, Applicants respectfully request withdrawal of the rejection under 35 USC 101 as to claim 19.

In addition, the Office Action rejects claim 1 under 35 USC 101 as directed to nonstatutory subject matter. In particular, the Office Action states “claim 1 recite computer program, which are not tangibly embodied on an appropriate computer-readable storage medium; thus the claims do not constitute statutory subject matter.” [Office Action, p. 2] Regardless of whether this rejection is proper or established prima facie unpatentability under 35 USC 101, Applicants amend claim 1 to clearly recite a statutory process claim under 35 USC 101 through a method implemented by a computer. In view of the amendments to clarify that claim 1 is statutory, Applicants respectfully request withdrawal of the rejection under 35 USC 101 as to claim 1.

The Office Action also rejects claims 2-9, 11-18, and 20-25 as directed to non-statutory subject matter as dependent claims of independent claims 1, 10, and 19. Applicants respectfully submit that because a prima facie case of unpatentability has not been established as to claims 1, 10, and 19 and because claims 1 and 19 are amended to clarify that the claims are statutory, claims 2-9, 11-18, and 20-25 are no longer

directed to non-statutory subject matter as dependent claims of independent claims 1, 10, and 19 and the rejection of these dependent claims should be withdrawn.

Alleged Obviousness under 35 USC 103(a)

Claims 1-5, 8, 10-14, 17, and 19-24 are not obvious under Goal in view of Hypponen

Claims 1-5, 8, 10-14, 17, and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goal et al. (US Publication 2004/0168068)(herein referred to as Goal) in view of Hypponen (US Publication 2005/0044425). [Office Action, p. 3]

As noted in the Office Action, under 35 USC §103(a) a patent may not be obtained though the invention is not identically disclosed as described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. In *Graham v. John Deere*, the Supreme Court clarified that “under 103, in considering the obviousness or nonobviousness of the subject matter, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved, in addition to evaluating evidence of secondary considerations.” *Graham*, 383 U.S. 1, 148 USPQ 459 (1966).

The Examiner bears the initial burden of supporting any prima facie conclusion of obviousness. See *In re Rinehart*, 531, F.2d 1048, 189, USPQ 143 (CCPA 1976); *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007); MPEP 2142. The key to supporting a rejection under 35 USC 103 is the clear articulation of the reasons why the claimed invention would have been obvious; the analysis supporting a rejection under 35 USC 103 should be made explicit. See *KSR International Co.*, 82 USPQ2d at 1396; MPEP 2142 (Rev. 6, Sept. 2007).

Applicants traverse the rejection of claims 1-5, 8, 10-14, 17, and 19-24. Applicants respectfully assert that the Office Action fails to establish a prima facie case

of obviousness because the Office erred in the Graham factual findings and there is no clear articulation of the rationale supporting a conclusion of obviousness. Because the Office Action fails to establish a prima facie case of obviousness, Applicants respectfully request withdrawal of the rejection under 35 USC 103(a) and allowance of the claims.

Claim 1

Claim 1, as originally presented, reads:

Claim 1 (Original): A method for secure password entry, comprising
displaying a password prompt comprising a changing stream of
random characters, wherein a particular character within said changing
stream of random characters is displayed at a visibly detectable higher
frequency; and
receiving input to increment or decrement said particular character
to reach a password character of a password.

Applicants respectfully assert that the Office has erred in finding a prima facie case of obviousness as to claim 1 because under a proper Graham analysis, when Goal and Hyponnen are considered as a whole, the references, do not teach the elements of claim 1 and there is no clear statement as to the rationale for one of ordinary skill in the art finding claim 1 as a whole obvious in view of the differences between Goal and Hyponnen and claim 1.

First, in the Graham inquiry, as to the scope and contents of Goal, the Office Action cites paragraph 0002, lines 1-3 of Goal as reading on the claimed element of a method for secure password entry. [Office Action, p. 3] Paragraph 0002 of Goal describes “automatic password generation, which will automatically comply with required password rules and syntax for any of multiple systems.” Thus, Goal describes itself within the field of “password generation.”

In addition, as to the scope and contents of Goal, the Office Action cites as reading on the claimed element of changing stream of random characters, wherein a particular character within said changing stream of random characters is displayed at a visibly detectable higher frequency, abstract lines 10-12 which read “randomly

generated characters of identical nature are then assigned to each position within the password to create a new password” and Goal, paragraph 0029, lines 1-4 which read “next, an analysis is performed of each character within the multiple character passwords for a target data processing system to determine the nature of the character at a particular string position.” [Office Action, p. 3] Applicants respectfully note that a prior art reference must be considered in its entirety, i.e. as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc., v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983). Lines 10-12 of the abstract of Goal, when read within Goal as a whole, describe generating a new password, within the stated field of “password generation”. More specifically, the abstract of Goal describes that in generating a password, each position of an initially assigned or known password is analyzed to determine the nature of each character within the password, such as a lower-case or upper-case character, and a character of an identical nature is generated and assigned to each position of the previous password to create a new password that will comply with the specified rules and syntax for a particular data processing system. Lines 1-4 of paragraph 0029 of Goal, reiterate the statement in the abstract of Goal that describes that the nature of a character is whether the character is lower-case alphabetic or upper-case alphabetic, and that based on the determination of the nature of the characters of a current password, “a template may then be created in which the specified nature of each character within the initially assigned or known valid password is determined and, in a manner ... alternate passwords may be automatically generated which will clearly comply with the target data processing system.” Thus, Goal describes an analysis of the nature of a character within a current password and then generation of a new password for use on a target machine by replacing of the current character with a randomly generated character of the same nature.

The Office Action states that Goal does not explicitly disclose the elements of displaying a password prompt and receiving input to increment or decrement said particular character to reach a password character of a password. [Office Action, p. 3]

The Office Action however cites Hyponnen, paragraph 0035, lines 2-4, paragraph 0037 and paragraph 0038 as reading on displaying a password prompt and receiving input to increment or decrement said particular character to reach a password character of a password. [Office Action, p. 3]

In considering the scope and content of Hyponnen, the field of invention, in paragraph 0001 of Hyponnen describes the invention relating to “a method and apparatus for selecting a password and is applicable in particular, though not necessarily, to mobile devices which lack a physical keyboard, such as one-handed controlled smart phones and stylus driven PDAs.” Hyponnen describes user selection of passwords which are element based, such as selecting one city name from a list of city names and selecting one country name from a list of country names. Hyponnen, paragraphs 0032-0034. Paragraphs 0035-0038 describe the steps of the method of Hyponnen for creating a password including “storing a plurality of sets of values in a memory of the system, the values of each set defining respective elements which belong to a common domain, the domains of respective sets being distinct from one another” ([0036]), “selecting at least one value from each stored set or from each of a plurality of stored sets” ([0037]), and “combining the selected values or components thereof to form a password, passphrase, or encryption key” ([0038]). These portions of Hyponnen cited in the Office Action merely recite a user selecting a value of an element for a password, and do not point to any teaching of either of the claimed elements of displaying a password prompt and receiving input to increment or decrement said particular character to reach a password character of a password. Applicants note that Figures 2 and 3 of Hyponnen describe that for a user to select an element of a password to be generated, a user may move a graphical selector up and down along a graphically displayed slider, where each position along the slider represents a different element, and the user may select one of the available elements to be in the password.

First, in considering the differences between Goal and Hyponnen and the claimed element of changing stream of random characters, wherein a particular character within said changing stream of random characters is displayed at a visibly

detectable higher frequency, Applicants submit that a clear difference between Goal and Hyponnen and claim 1 is that Goal's description of changing a character of an old password to a new, randomly generated character, to generate a new password does not teach a changing stream of characters or a changing stream of random characters, but merely a single change in character. In addition, a clear difference between Goal and Hyponnen and claim 1 is that no portion of Goal describes a stream of characters where one of the characters is displayed at a visibly detectable higher frequency. Further, a difference between Goal and Hyponnen and claim 1 is that Goal describes selecting a single random character to replace an old password character, to generate a new password and Hyponnen describes a graphical slide with a different element at a different position along the slide and a user enabled to move a selector along the slide to select one of multiple predefined elements, but Goal and Hyponnen separately or in combination do not describe displaying a password prompt, where the password prompt itself comprises a changing stream of random characters.

Second, in considering the differences between Goal and Hyponnen and the claimed element of receiving input to increment or decrement said particular character to reach a password character of a password, Applicants respectfully note that in considering claim 1 as a whole, the particular character displayed in the password prompt at a higher frequency is the character within the changing stream that the user enters input to increment or decrement to reach a password character of a password. Thus, a difference between Goal and Hyponnen and claim 1 is that Goal describes generating a new password by a single replacement of a character of an old password with a new character of a same nature and Hyponnen describes a user selecting a single element for a character by sliding a selector and therefore, clearly neither Goal nor Hyponnen describe a user providing inputs that would adjust the particular character displayed at a higher frequency within a random stream of characters. For example, Goal describes replacing "a" in a first password with the randomly selected character of the same nature of "c" to generate a new password. Hyponnen describes a user adjusting a selector to choose from one of multiple preselected elements, such as

selecting between a list of concurrently displayed names of George, Gerald, Gregory, Harry, and Henry. *Hyponnen*, Figure 5. Goal and Hyponnen, separately or in combination, are different from claim 1 because Goal and Hyponnen do not teach that if in a random stream of characters displayed at a password prompt, the character “A” is displayed at a higher frequency and the user enters input to increment, the character displayed at a higher frequency changes to “B”.

Therefore, in view of the scope and content of Goal and Hyponnen and the differences between Goal and Hyponnen and claim 1, it is clear that the differences between Goal and Hyponnen and claim 1 are not such that claim 1 as a whole would have been obvious to one with skill in the art at the time of the invention. In particular, regardless of the Examiner’s stated rationale for obviousness, it is clear that the gap between the prior art and claim 1 is so wide as to render the claims nonobvious to one of ordinary skill in the art. Clearly Goal only describes changing a character of a password to a new character to generate a new password; Goal does not teach a changing stream of random characters or a changing stream of random characters with one of the characters displayed at a visibly detectable higher frequency. Hyponnen describes a graphically selectable list of elements for a password, which the user selects by sliding a selector. It would not be obvious to one of ordinary skill in the art at the time of the invention to first modify Goal to teach changing a character of a password to a changing stream of random characters and to then modify Hyponnen’s list or set of elements for a password to comprise a changing stream of random characters and then to further modify the changing stream of random characters so that one character is displayed at a higher frequency and then to modify Hyponnen’s selector to increment or decrement the character that is selected to be displayed at the higher frequency.

As to the rationale stated in the Office Action for why claim 1 would have been obvious to one of ordinary skill in the art at the time the invention was made, the Office Action concludes that “it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the teachings of Hyponnen into the

method of Goal because one of ordinary skill in the art would want to speed the password entry process (see Hypponen Par. [0034]).” [Office Action, p. 3] Paragraph 0034 of Hypponen describes that “pen-driven PDAs and joystick controlled smart phones make it easy and fast to select an entry from an alphabetically ordered list, even if the list contains hundreds of entries. This is helped by the sharp resolution of modem displays and the accuracy of touch screens. It is worthwhile to note that it is much faster to find an item from an ordered list than from an unordered list.”

Applicants note that rejections on obviousness cannot be sustained by mere conclusory statements; instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007); MPEP 2141. In particular, because there is at least one difference between Goal and Hypponen and claim 1, to establish a prima facie case of obviousness, the Office Action should include a clear articulation of a rationale for why, in view of the scope and content of Goal and Hypponen and the differences between Goal and Hypponen and claim 1, claim 1 would have been obvious to one of ordinary skill in the art at the time of the invention. *KSR*, 82 USPQ2d at 1396; MPEP 2141. The conclusory statement as to obviousness stated with regard to claim 1 does not clearly articulate why one of ordinary skill in the art at the time of invention would have found claim 1 obvious despite the fact that Goal and Hypponen do not teach at least one of the elements as taught in claim 1. As indicated by Applicants’ comparison of the prior art as a whole with claim 1 as a whole, and the number and complexity of modifications required to reach claim 1 as a whole through the combination of the prior art, Applicants respectfully assert that a mere statement of a reason that a person of ordinary skill in the art might combine Hypponen and Goal based on speeding up password entry does not reach the level of articulated reasoning within some rational underpinning required to support the legal conclusion of obviousness required under 35 USC 101 and *KSR International*, and further does not clearly articulate any of the rationales stated in section 2100 of the MPEP as exemplary rationales. Because there is no clear and explicit articulated reasoning with a clear

rationale underpinning to support the legal conclusion of obviousness, the Office Action fails to establish a prima facie case of obviousness as to claim 1.

Therefore, because a proper Graham factual findings indicate differences between Goal and Hyponnen and claim 1 and no clear articulation of the reasons why the claimed invention of claim 1 would have been obvious is provided, the Office erred in finding prima facie obviousness as to claim 1. MPEP 2141, IV. Because the Office fails to find prima facie obviousness as to claim 1, Applicants respectfully request withdrawal of the rejection under 35 USC 103(a) and allowance of the claims.

Claims 10 and 19

Claims 10 and 19 are rejected under the same grounds as claim 1. [Office Action, p. 5] Applicants respectfully assert that claims 10 and 19 are not obvious under 35 USC 103(a) in view of Goal and Hyponnen for at least the same reasons that claim 1 is not obvious in view of Goal and Hyponnen. Because claims 10 and 19 are not obvious under 35 USC 103(a), Applicants respectfully request withdrawal of the rejection of claims 10 and 19 under 35 USC 103(a) and allowance of the claims.

Claims 2-5, 8, 11-14, 17, and 20-24

Applicants respectfully assert that because claims 1, 10, and 19 are nonobvious under 35 USC 103(a), claims 2-5, 8, 11-14, 17, and 20-24 which depend on claims 1, 10, and 19, are also nonobvious and should be allowed. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Claim 2

In addition, Applicants respectfully assert that claims 2, 11, and 20 are not obvious under Goal and Hyponnen. Claim 2 as originally presented reads:

Claim 2 (Original): The method according to claim 1 for secure password entry, further comprising:

displaying a plurality of character positions, wherein a stream of random characters is displayed in each of said plurality of character

positions, wherein a particular position from among said plurality of character positions provides said password prompt.

Applicants respectfully assert that the Office has erred in finding a prima facie case of obviousness as to claim 2 because under a proper Graham analysis, when Goal and Hyponnen are considered as a whole, the references, do not teach the elements of claim 2 and there is no clear statement as to the rationale for one of ordinary skill in the art finding claim 2 as a whole obvious in view of the differences between Goal and Hyponnen and claim 2.

First, in the Graham inquiry, as to the scope and contents of Goal, the Office Action cites paragraph 0011, lines 10-14 as reciting “randomly generated characters of identical nature are then assigned to each position within the password string to create a new password, which will comply with the specified rules for a particular target system” as reading on the claimed element of displaying a plurality of character positions, wherein a stream of random characters is displayed in each of said plurality of character positions, wherein a particular position from among said plurality of character positions provides said password prompt. The Office Action does not consider Hyponnen separately as to claim 2.

Second, in the Graham inquiry, as to the differences between Goal and Hyponnen and claim 2, Applicants respectfully assert that a clear difference between Goal and claim 2 is that Goal describes assigning a randomly generated character of identical nature of a position of a password to create a new password, which does not teach displaying a stream of random characters within each of multiple character positions and which does not teach that one of the positions provides the displayed password prompt.

In view of the differences between Goal and claim 2 and the lack of teaching stated by the Examiner in claim 1 as to a displayed password prompt in Goal, Applicants respectfully assert that as to claim 2, establishing a prima facie case of obviousness requires an articulation of why in view of the differences between Goal and

Hyponnen and claim 2, claim 2 as a whole would have been obvious under Goal and Hyponnen to one skilled in the art at the time of the invention.

Claims 11 and 20 are rejected on the same grounds as claim 2 and are therefore also not obvious under Goal and Hyponnen for at least the same reasons that claim 2 is not obvious under Goal and Hyponnen.

Claims 5, 14, and 23

In addition, Applicants respectfully assert that claims 5, 14, and 23 are not obvious under Goal and Hyponnen. Claim 5 currently reads:

Claim 5 (Currently Amended): The method according to claim 1 for secure password entry, further comprising:
responsive to receiving input of a character selection input indicating that said particular character, selecting said particular character as said password character from among a plurality of separately selectable password characters of said password; and
responsive to receiving input of a password completion character indicating that said password is complete, securely passing each separately selected password character of said password to a requesting software layer.

Applicants respectfully assert that regardless of whether the Office Action properly found a prima facie case of obviousness as to claim 5, claim 5 as amended clearly is not obvious under Goal and Hyponnen. In addition, Applicants respectfully note that the amendments to claim 5 are supported throughout the specification, and for example in paragraphs 0058, 0062, 0068, 0069 therefore no new matter is added through the amendments to the claim.

In particular, Applicants traverse the rejection of claim 5 in view of the amendments to claim 5. The Office Action previously cited Figure 4 and paragraph 0037 of Goal as reading on the element of responsive to receiving input of a password completion character indicating that said password is complete, securely passing said password to a requesting software layer. [Office Action, p. 4] Paragraph 0037 of Goal describes “referring again to block 98, in the event the newly created password has been rejected by the target data process system ‘N’ times, the process passes from

block 98 to block 100. Block 100 illustrates the generation of an alert to the user of the data processing system so that a password may be manually generated and submitted prior to the target data processing system prohibiting further accesses by this user. Thereafter, or after the password has been accepted by the target data processing system, the process passes to block 102 and returns.”

The differences between Goal and Hyponnen and claim 5 are clear. Goal's description of generating and submitting a password to a target system, even when combined with Hyponnen, does not teach both a character selection input for indicating that a currently character, displayed at a higher frequency from other characters within a changing stream of random characters, as one of multiple password characters of a password and a password completion character indicating that the password is complete to trigger sending each of the separately selected password characters of the password to a requesting software layer. In addition, Applicants respectfully assert that these differences are not subject that claim 5 when considered as a whole would have been obvious to one skilled in the art at the time of invention; the gap required to modify a system that describing generating and submitting a password to teach separately selecting each character of the password by input to increment or decrement a higher frequency character within a changing stream of characters and then another input to select a particular higher frequency character as a password character, is so wide as to render the claim nonobvious to one skilled in the art.

Claims 14 and 23 are amended in a similar manner as claim 5 and are therefore also not obvious under Goal and Hyponnen for at least the same reasons that claim 5 is not obvious under Goal and Hyponnen.

Claim 8, 17, and 24

Claims 8, 17, and 24 are also not obvious under 35 USC 103(a) under Goal in view of Hyponnen. Claim 8, as originally presented, reads:

Claim 8 (Original): The method according to claim 1 for secure password entry, further comprising:

generating said stream of random characters, wherein said particular character is randomly selected.

Applicants respectfully assert that the Office has erred in finding a prima facie case of obviousness as to claim 8 because under a proper Graham analysis, when Goal and Hyponnen are considered as a whole, the references, do not teach the elements of claim 8 as a whole and there is no clear statement as to the rationale for one of ordinary skill in the art finding claim 8 as a whole obvious in view of the differences between Goal and Hyponnen and claim 8.

First, in the Graham inquiry, as to the scope and contents of Goal, the Office Action cites paragraph 0011, lines 10-14 as describing “randomly generated characters of identical nature are then assigned to each position within the password string to create a new password, which will comply with the specified rules for a target system.” As previously noted, Goal describes determining the nature of each character of a current password and then replacing that character with a different character of the same nature, to create a new password.

Second, in the Graham inquiry, as to the differences between Goal and Hyponnen and claim 8, Applicants respectfully assert that in considering claim 8 as a whole, including the limitations of claim 1 upon which it depends, it is clear that claim 8 teaches said particular character which is randomly selected and which is displayed at a visibly detecting higher frequency. Applicants respectfully assert that a clear difference between Goal and claim 8 is that Goal describes selecting a random character of a same nature as a previous character to insert in the position of the previous character, which does not teach generating a stream of random characters or selecting a particular character in the stream of random characters to display at a higher frequency. The specification of the present application provides an example of this “modified” stream of random characters, with one random character displayed at a visibly detectable higher frequency throughout, and for example, in paragraph 0018.

In viewing the scope and content of Goal and Hyponnen and the differences between Goal and Hyponnen and claim 8, Applicants respectfully assert that the

differences are not such that claim 8 as a whole would have been obvious to one skilled in the art at the time of the invention. In particular, Applicants respectfully assert that there is gap between Goal's description of selecting a random character of a particular nature and the claimed elements of generating a stream of random characters modified with a particular character displayed at a visibly detectable higher frequency and the particular character randomly selected that render the claim nonobvious to one with skill in the art.

Claims 17 and 24 are rejected on the same grounds as claim 8 and are therefore also not obvious under Goal and Hypponen for at least the same reasons that claim 8 is not obvious under Goal and Hypponen.

Claims 6-7, 9, 15-16, 18, and 25 are not obvious under Goal in view of Hypponen and Ganesan

Claims 6-7, 9, 15-16, 18, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goal et al. (US Publication 2004/0168068)(herein referred to as Goal) in view of Hypponen (US Publication 2005/0044425) and further in view of Ganesan (US Patent 5,394,471). [Office Action, p. 6] Applicants respectfully assert that because claims 1, 10, and 19 are nonobvious under 35 USC 103(a), claims 6-7, 9, 15-16, 18, and 25 which depend on claims 1, 10, and 19, are also nonobvious and should be allowed. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Conclusion

Applicants note the citation of pertinent prior art cited by the Examiner.

In view of the foregoing, withdrawal of the rejections and the allowance of the current pending claims is respectfully requested. If the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment.

No extension of time is believed to be necessary. If, however, an extension of time is required, the undersigned hereby authorizes the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,

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